

**Option 1: Durham City-County Workforce Development Area Interlocal Consortium Agreement to Serve as a Designated Local Workforce Development Area, to Establish a Local Workforce Development Board, and to Administer the Workforce Innovation and Opportunity Act of 2014**

The Workforce Innovation and Opportunity Act (WIOA) was signed into federal law on July 22, 2014. It replaced the Workforce Investment Act (WIA) beginning July 1, 2015. The purpose of this document is to establish an interlocal consortium agreement between the City of Durham and Durham County to serve as the designated local workforce development area and to establish a local workforce development board that shall administer the WIOA. This agreement is made, dated, and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, (“Effective Date”) between the City of Durham, a North Carolina municipal corporation, hereinafter referred to as the “City” and Durham County, a political subdivision of the State of North Carolina, hereinafter referred to as the “County”. This agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

**ARTICLE I  
PURPOSE**

The City and the County shall form a consortium for the purpose of acting jointly as a local workforce development area under the Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Greater Durham Workforce Development Interlocal Area; and this agreement shall be known as the Greater Durham Workforce Development Interlocal Consortium Agreement. Both the consortium and the agreement shall take effect on July 1, 2015.

**ARTICLE II  
WORKFORCE DEVELOPMENT BOARD TITLE AND ESTABLISHMENT**

The Greater Durham Workforce Development Board shall be established by the City and the County.

**ARTICLE III  
CERTIFICATION OF AUTHORITY**

1. AUTHORITY UNDER STATE AND LOCAL LAW

The City and the County certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a local workforce development area under the Workforce Innovation and Opportunity Act of 2014 for the entire geographic area covered by the City and the County.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of the duly executed resolution giving the City and the County specific authority to enter into this interlocal consortium agreement shall be attached to this document and is incorporated herein by reference.

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**3. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH MEMBER CITY AND  
COUNTY GOVERNMENT**

The City and the County shall each designate the duly elected Mayor of the City of Durham and the Chair of the Durham County Board of Commissioners as chief elected officials for Workforce Innovation and Opportunity Act purposes, upon whose representations to the State, the Greater Durham Workforce Development Board, the Office of Economic and Workforce Development, and other administrative units may rely. Such persons shall be the signatories of this interlocal consortium agreement.

**ARTICLE IV  
DESIGNATION OF CHIEF ELECTED OFFICIAL FOR THE LOCAL WORKFORCE  
DEVELOPMENT AREA**

The City and County agree that the Mayor of the City of Durham shall be authorized to execute the functions of the Greater Durham Workforce Development Board Chief Elected Official, which are required under the Workforce Innovation and Opportunity Act of 2014.

**ARTICLE V  
DURATION**

This agreement shall become effective on the date of the last signatory's signature and shall continue in effect until the local workforce development area is re-designated by the Governor of North Carolina or until this interlocal consortium agreement is terminated by the City or the County as provided for in Article XIV.

**ARTICLE VI  
ASSURANCES AND CERTIFICATIONS**

The City and the County shall comply with the requirements of the Workforce Innovation and Opportunity Act of 2014, regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and written directives and instructions relevant to local workforce development area operation from the Governor of North Carolina or his/her designee.

**ARTICLE VII  
ESTABLISHMENT OF A GREATER DURHAM WORKFORCE DEVELOPMENT BOARD**

The City and County agree that the Greater Durham Workforce Development Board shall be established in accordance with Section 107 of the Workforce Innovation and Opportunity Act of 2014 and applicable State of North Carolina laws including G.S. 143B-438.11.

Appointment of individuals to serve on the Greater Durham Workforce Development Board shall be in accordance with the Bylaws of the Greater Durham Workforce Development Board, which shall be established by the Greater Durham Workforce Development Board. The Greater Durham Workforce Development Board shall consist of a maximum number of twenty-five members. A simple majority shall be appointed by the City through the approval of the Durham City Council and consistent with the Bylaws of the Greater Durham Workforce Development Board. The remainder shall be appointed by the County through the approval of the Durham

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County Board of County Commissioners and consistent with the Bylaws of the Greater Durham  
Workforce Development Board.

**ARTICLE VIII**  
**ADMINISTRATION OF THE LOCAL WORKFORCE DEVELOPMENT BOARD**

The City of Durham's Office of Economic and Workforce Development (hereafter referred to as the "Administrative Entity") shall administer the activities funded under the Workforce Investment Act of 2014 and activities approved by the local workforce development board. Employees of the Administrative Entity shall be City employees. Notwithstanding the provisions of Article III Section 3, Article IV, and Article VII above, contracts administered by the City pursuant to this consortium agreement, under the Greater Durham Workforce Development Board's direction, may be executed by the City Manager of the City of Durham.

**ARTICLE IX**  
**REPORTING**

A formal report on any given year's activities shall be provided by the Greater Durham Workforce Development Board in the following fiscal year. The report shall track progress and provide measurable outcomes of activities undertaken by the local workforce development board. Other reports shall be provided as requested by the Greater Durham Workforce Development Board. Informal reports also may be provided to each governing body throughout the year.

**ARTICLE X**  
**FINANCING**

1. It is anticipated that funding necessary to implement this agreement shall be derived from federal grant funds received through the Governor.
2. The City and the County acknowledge that the City of Durham shall be accountable for financial responsibilities arising out of activities under the Workforce Innovation and Opportunity Act of 2014 (WIOA), and all funds received by the local workforce development area pursuant to WIOA. Financial responsibility includes, but is not limited to, responsibility for prompt repayment from non-program funds of any disallowed costs by the administrative entity of the Greater Durham Workforce Development Board Area, or any of its sub-recipients or contractors, or the Greater Durham Workforce Development Board itself. The parties agree that the County, as well as other units of local government shall have the ability, but not responsibility to financially contribute to the operations and programs of the workforce development board.
3. Any entity or joint agency created or designated by this local workforce development area, including the Greater Durham Workforce Development Board and the Administrative Entity, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.

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**ARTICLE XI  
REAL PROPERTY**

The Greater Durham Workforce Development Board shall follow all Workforce Innovation and Opportunity Act of 2014 and State law requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with federal funds.

**ARTICLE XII  
AMENDMENTS**

This agreement may be amended at any time upon the consent of the City and the County as evidenced by resolution of the governing bodies of the City and the County and as approved by the State of North Carolina.

**ARTICLE XIII  
TERMINATION**

The City or the County may request termination at any time upon six months prior written notice to the respective local government unit, specifically the City to the County or the County to the City, and the North Carolina Department of Commerce. Termination shall be effective either at the end of the fiscal year during which termination is requested, if notice is received six months prior to the end of such fiscal year; or it shall be effective at the end of the next fiscal year, if notice is not given during the specified time period.

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ATTEST

Michael D. Page, Chairman  
Durham County Board of Commissioners

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

William V. "Bill" Bell, Mayor  
City of Durham

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Date